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APR 09 2004

OFFICE OF PETITIONS

RE: The patent application of Metcalf
US Pat. Application Serial No. 09/929,615
Filed August 13, 2001
Examiner: Lun-yi Lao, Group Art Unit 2673

ENTITLED: APPAREL WITH CONTIGUOUS VIDEO-IMAGING SURFACE AND
APPARATUS FOR CONTROLLING AND FORMATTING VIDEO IMAGERY ON
SUCH SURFACES

PETITION TO REVIVE

April 5, 2004

Commissioner of Patents and Trademarks
Washington, District of Columbia 20231

The applicant of the above-referenced patent application sincerely requests revival of the application on the basis that the missing of a reply to an office action by a given due date was unintentional.

The last office action pertaining to the application (an "advisory") was dated December 18, 2003. Upon recently calling the examiner (March 12, 2004)--within what the applicant believed was a typical "three month period" from the mailing date of the advisory--the applicant learned that the latest office action had in fact been mailed three months and two weeks after a "final rejection" (dated September 4, 2003).

Adjustment date: 08/23/2004 AKELLEY
04/12/2004 AKELLEY 00000016 09929615
02 FC:1999 -60.00 DP

Extenuating Circumstances

During the course of a telephone conversation with the examiner three weeks prior to the 12-18-03 office action, the applicant was under the impression that he had addressed verbally, the salient issues of concern that the examiner had had relating to the application, and that it was mutually agreed upon that an amendment could be submitted--incorporating: (1) points of agreement in the conversation (backed by supportive Internet-researched materials discussed over the phone) (2) an appendix citing the eighty-nine references to the term "video" used in the specification, (3) specific phrases pertaining to the use of full motion / color "video" to be re-written into claims, (4) and drawing revisions. The amendment was so prepared, and mailed to the Patent Office shortly thereafter. Thus, it no longer appeared to the applicant, that the operative date of a "final rejection" was that of September 4, 2003.

The advisory, mailed on 12-18-03, was received by the applicant in late December. The applicant was confused by the advisory in that it made no mention of (1) the telephone conversation (or points discussed therein), (2) or the eighty-nine references to the term "video", (3) or the supporting Internet-researched materials. Instead, the advisory indicated that the approval of the specific use of the phrase "full-motion, full-color video" in the re-written claims was denied (despite the diverse references to the use of video throughout the specification). The advisory indicated that the drawing changes were approved and also seemed to indicate what RE:

Refund Ref: 08/23/2004 AKELLEY 0000138295

CHECK Refund Total: \$60.00

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(cont.)

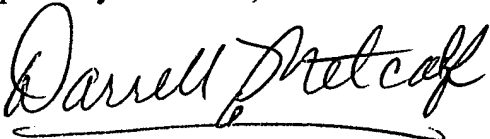
would be required in order to bring the rest of the application into possible acceptance. Thus, the advisory seemed to indicate that the "final rejection"--dated nearly four months earlier--was also no longer the operative date.

As a result of dates, and retroactive dating, appearing abstruse, the examiner initially agreed during a recent 3-12-04 telephone conversation, to extend another telephone interview to the applicant, tentatively scheduled for Monday 3-29-04 11:00 am EST. An additional basis for this accommodation, was the result of a major point--brought out by the applicant--that all relied upon prior art merely described types of flexible screen display material and were not apparel comprising a complete, self-contained and user-controllable video-display enabling 'system.' The applicant pointed out that a system approach would be needed (and not just flexible material), having electronic components capable of storing and playing back properly pre-formatted, sized, shaped and alignable video and graphical display content corresponding to a plurality of irregularly shaped flexible display segments, each sized and shaped to clothing segments typical of the kind which apparel is comprised. And that such display segments could not be made and seamed together with the simpler X-Y pixel grid array approach, and pixel conductor placement, of the prior art. Nor could the prior art accommodate apertures suitable for extending a leg, arm or neck, therethrough while also having seams adjacent to such apertures, and having video or graphic content displayed contiguously, in proper alignment across such seams.

These most recent of points prompted the examiner to say that she was inclined to give the application further consideration, until she deduced that the final rejection of September 4, 2003 was apparently still the operative date. With the telephone call of March 12, 2004, defined as being six months and eight days beyond the September 4, 2003 date, the application was deemed to be in abandonment--in spite of evolving reconsiderations.

In view of the of the above-mentioned circumstances, the applicant respectfully requests that the invention be revived for reconsideration.

Respectfully Submitted,

A handwritten signature in cursive script, reading "Darrell Metcalf". The signature is written in dark ink and is positioned above a horizontal line.

Signed, Darrell Metcalf -- Applicant

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FEE TRANSMITTAL
for FY 2000

Patent fees are subject to annual revision.

Small Entity payments must be supported by a small entity statement, otherwise large entity fees must be paid. See Forms PTO/SB/09-12.

See 37 C.F.R. §§ 1.27 and 1.28.

TOTAL AMOUNT OF PAYMENT (\$)**725.00****Complete if Known**

Application Number	9/929,615
Filing Date	08/13/2001 RECEIVED
First Named Inventor	Darrell Metcalf
Examiner Name	Lao, Lun Yi APR 09 2004
Group / Art Unit	2673
Attorney Docket No.	OFFICE OF PETITIONS

METHOD OF PAYMENT (check one)

- 1.
- ☐
- The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number Deposit Account Name ☐ Charge Any Additional Fee Required Under 37 CFR §§ 1.16 and 1.172. ☒ **Payment Enclosed:**☒ Check ☐ Money Order ☐ Other**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
101 690	201 345	Utility filing fee	<input type="text"/>
106 310	206 155	Design filing fee	<input type="text"/>
107 480	207 240	Plant filing fee	<input type="text"/>
108 690	208 345	Reissue filing fee	<input type="text"/>
114 150	214 75	Provisional filing fee	<input type="text"/>

SUBTOTAL (1) (\$)**2. EXTRA CLAIM FEES**

	Extra Claims	Fee from below	Fee Paid
Total Claims <input type="text"/>	-20** = <input type="text"/>	X <input type="text"/>	= <input type="text"/>
Independent Claims <input type="text"/>	-3** = <input type="text"/>	X <input type="text"/>	= <input type="text"/>
Multiple Dependent	<input type="text"/>	= <input type="text"/>	= <input type="text"/>

**or number previously paid, if greater; For Reissues, see below

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
103 18	203 9	Claims in excess of 20
102 78	202 39	Independent claims in excess of 3
104 260	204 130	Multiple dependent claim, if not paid
109 78	209 39	** Reissue independent claims over original patent
110 18	210 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$)**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
105 130	205 65	Surcharge - late filing fee or oath	<input type="text"/>
127 50	227 25	Surcharge - late provisional filing fee or cover sheet	<input type="text"/>
139 130	139 130	Non-English specification	<input type="text"/>
147 2,520	147 2,520	For filing a request for reexamination	<input type="text"/>
112 920*	112 920*	Requesting publication of SIR prior to Examiner action	<input type="text"/>
113 1,840*	113 1,840*	Requesting publication of SIR after Examiner action	<input type="text"/>
115 110	215 55	Extension for reply within first month	<input type="text"/>
116 380	216 190	Extension for reply within second month	<input type="text"/>
117 870	217 435	Extension for reply within third month	<input type="text"/>
118 1,360	218 680	Extension for reply within fourth month	<input type="text"/>
128 1,850	228 925	Extension for reply within fifth month	<input type="text"/>
119 300	219 150	Notice of Appeal	<input type="text"/>
120 300	220 150	Filing a brief in support of an appeal	<input type="text"/>
121 260	221 130	Request for oral hearing	<input type="text"/>
138 1,510	138 1,510	Petition to institute a public use proceeding	<input type="text"/>
140 110	240 55	Petition to revive - unavoidable	<input type="text"/>
141 1,210	241 605	Petition to revive - unintentional	<input type="text"/>
142 1,210	242 605	Utility issue fee (or reissue)	<input type="text"/>
143 430	243 215	Design issue fee	<input type="text"/>
144 580	244 290	Plant issue fee	<input type="text"/>
122 130	122 130	Petitions to the Commissioner	<input type="text"/>
123 50	123 50	Petitions related to provisional applications	<input type="text"/>
126 240	126 240	Submission of Information Disclosure Stmt	<input type="text"/>
581 40	581 40	Recording each patent assignment per property (times number of properties)	<input type="text"/>
146 690	246 345	Filing a submission after final rejection (37 CFR § 1.129(a))	<input type="text"/>
149 690	249 345	For each additional invention to be examined (37 CFR § 1.129(b))	<input type="text"/>

Other fee (specify) Petition to Revive Fee \$210.00Other fee (specify)

* Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)**725.00****SUBMITTED BY**

Name (Print/Type)	Darrell Metcalf	Registration No. (Attorney/Agent)	<input type="text"/>	Telephone	(805) 524-1747
Signature	<i>Darrell Metcalf</i>	Date	04/05/04		

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on April 5, 2004
Date



Signature

Darrell Metcalf

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CONTENTS:

- Fee Transmittal Form (1 Page)
- Petition to Revive (2 Pages)
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For Patent Entitled:

**APPAREL WITH CONTIGUOUS VIDEO-IMAGING SURFACE AND APPARATUS
FOR CONTROLLING AND FORMATTING VIDEO IMAGERY ON SUCH SURFACES**

APPLICATION NO. 09/929,615

UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND				
1 Date of Request: <u>8/23/04</u>		2 Serial/Patent # <u>09/929,615</u>		
3 Please refund the following fee(s):	4 PAPER NUMBER	5 DATE FILED	6 AMOUNT	
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10 REASON:				
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11 REFUND REQUESTED BY:				
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SIGNATURE: <u><i>Nancy Johnson</i></u>			PHONE: <u>703-305-0309</u>	
OFFICE: <u>Petitions</u>				
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